

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
December 15, 2015 - 9:00 A.M.

PRESENT: COMMISSIONER LARRY A. ELLERTSON, CHAIR
COMMISSIONER WILLIAM C. LEE, VICE-CHAIR
COMMISSIONER GREG GRAVES

ALSO PRESENT:

Jeffrey R. Buhman, Utah County Attorney
David Shawcroft, Civil Division Chief Deputy Attorney
Paul Jones, Utah County Deputy Attorney
Michelle Araujo, Utah County Commission Office
Lisa K. Nielson, Utah County Commission Office
Brian Voeks, Utah County Commission Office
Bryan E. Thompson, Utah County Clerk/Auditor
Burt Harvey, Clerk/Auditor - Tax Admin. Supervisor
Vicky Westergard, Clerk/Auditor's Office - Tax Admin.
Kris Poulson, Utah County Assessor
Burt Garfield, Utah County Assessor's Office
Bryce Armstrong, Community Development
Peggy Kelsey, Community Development
Joshua Ivie, Community Development
Ralph Clegg, Health Department Executive Director
Bryce C. Larsen, Utah County Health Department
Richard Nance, Drug & Alcohol Prevention & Treatment
Neil Petersen, Information Systems Director
Patrick Wawro, Information Systems
Lana Jensen, Utah County Personnel Director
Richard Nielson, Utah County Public Works Director
Jeff Smith, Utah County Recorder
Andrea Allen, Utah County Recorder's Office
Kim T. Jackson, Utah County Treasurer

James O. Tracy, Utah County Sheriff
Mike Forshee, Utah County Sheriff's Office
Dalene Higgins, Utah County Sheriff's Office
Gary Ratcliffe, Utah County Surveyor
Lee Adamson, Utah Valley Convention & Visitors Bureau
Charlene Christensen, U.V. Convention & Visitors Bureau
Joel Racker, Utah Valley Convention & Visitors Bureau
Don Jarvis, Provo/Utah Valley Clean Air Task Force
Peter Christensen, Utah County Association of Realtors
Nelson Abbott, Elk Ridge City Council
Wendi Baggaley, Eagle Mountain Resident
Heidi Balderree, Saratoga Springs Resident
Dani Hartvigsen, Saratoga Springs Resident
Kathryn Hindmarsh, Provo Resident
Marcus Jessop, Vineyard Resident
Darian Lee, Pleasant Grove Resident
Rona Raney, Provo Resident
Chet Roskelley, Provo Resident
Linda Roskelley, Provo Resident
Mark Allen, -No further information given-
Nathan Ivie, -No further information given-
Lynda Roper, -No further information given-
Mike Stansfield, Fairways Media
Renée Caron, Clerk/Auditor Administrative Assistant

Commissioner Ellertson called the meeting to order at 9:19 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Wendi Baggaley, Eagle Mountain Resident

PLEDGE OF ALLEGIANCE: Joel Racker, Utah Valley Convention and Visitors Bureau

PUBLIC HEARING

PUBLIC HEARING TO DISCUSS THE 2016 BUDGET FOR THE GENERAL FUND AND OTHER BUDGETARY FUNDS OF UTAH COUNTY AND TO CONSIDER A CHANGE IN THE EXISTING SALARIES OF THE COUNTY OFFICERS OF UTAH COUNTY, UTAH (Public Hearing set October 27, 2015) (Continued from the December 8, 2015 Commission meeting)

Commissioner Ellertson noted the Board plans to continue this Public Hearing and the associated action item (Regular Agenda Item No. 12 on today's calendar) for one week to the December 22, 2015 meeting, and the budget numbers are not yet finalized. He invited any members of the public with comment to come forward.

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Mark Allen of the Facebook group 'Protect and Preserve American Fork Canyon' approached to state that a salary increase for the commissioners would be inappropriate at this time. He noted that the Board had voted themselves a pay raise of \$15,000 last year, while it would be much more appropriate to have cameras for recording in the County Administration Building for the sake of open public transparent processes. Mr. Allen suggested salaries be deferred so that the camera system can take priority in order to serve members of the public unable to attend 9:00 A.M. weekday Commission meetings. He also stated he is very concerned to find out about a trip taken by Commissioner Ellertson and his wife to Switzerland in 2013 on a private jet, accompanied by Ian Cummings and private chefs. Mr. Allen said Commissioner Ellertson should recuse himself from anything to do with American Fork Canyon, and retire altogether if the financial trail regarding that Switzerland trip cannot show that the commissioner was not influenced.

Mark Allen went on to state that he has requested one map detailing who owns the land in American Fork Canyon, and has not received a response in eight months. He said that he would fire the Board if they were his employees. Mr. Allen has also asked for a citizen-based committee, and funding to spearhead a planning committee, and views the inaction of the commissioners as action in itself. He said the enemy is advancing, and in eight months he has not seen one thing done by this Commission to proactively protect the canyon. The people need leaders, and a pay raise cannot be justified until those leaders come forward.

Commissioner Ellertson corrected that a salary increase is not a foregone conclusion at this point, but the notice is posted because it could be considered as part of the budget process. He also clarified that the Board action on pay last year was not an increase in compensation, but a transfer from benefits to salary. Commissioner Lee countered that it was an increase, and Commissioner Ellertson replied there was a one-step increase, but the bulk of the \$15,000 difference came from benefits. Commissioner Graves added the one-step increase totaled 2.35 percent.

Saratoga Springs resident Heidi Balderree stated she has a Master's Degree in Human Resource Management. She stated that whether discussing benefits or compensation, it needs to be made clear that the Commission salaries are not in line with the median average for the United States. When the last increase was voted on and approved, the Board was already above the normal range. Ms. Balderree talked about merit-based and performance-based pay, suggesting the commissioners adjust their salaries downward to accurately reflect the job they are doing. She pointed out how they are supposed to represent the electorate and two of the commissioners did not do that with BRT (Provo/Orem Bus Rapid Transit). Ms. Balderree said, "We hired you, so we can fire you."

Benjamin resident Nathan Ivie talked about the daily morning routine on his farm, battling hungry horses and cows while preparing the children for school. His parents help him run the farm and they are on a fixed income; they do not get to have cost-of-living adjustments or shuffle money around in budgets and then try to hide it. Agriculture is not receiving a pay raise, and it is absolutely asinine for the Board to consider an increase during this difficult economy. Mr. Ivie addressed Commissioner Graves and stated he lied about being fiscally responsible, commenting that "you know your job's in trouble when re-election time comes." Mr. Ivie said the commissioners should give themselves a decrease in pay; they represent the citizens in this county yet are making double their incomes. He asked how that can be justified, asking them to stick to their principles, be fiscally conservative, and do the right thing.

Provo resident Kathy Hindmarsh asked about the justification for a raise for the commissioners, commenting on the fixed income she and her handicapped daughter use to survive and can barely afford groceries. Ms. Hindmarsh also noted the BRT (Provo/Orem Bus Rapid Transit) issue needs to be reconciled: we do not need more busses when the busses currently available are not even full. She mentioned not knowing who paid for Commissioner Ellertson's trip to Switzerland, and asked the Board to be honest and true among themselves.

Elk Ridge City Councilman Nelson Abbott is serving his third term. As a representative of his town, he cannot understand the decisions made to move forward with BRT (Provo/Orem Bus Rapid Transit). He stated, "it takes a big man to stand up for what is right; it takes an even bigger man to back off and admit that they were wrong." Mr. Abbott encouraged the commissioners to back down, noting traffic will be horrendous around Brigham Young University games.

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Nelson Abbott went on to call the proposed pay raise ridiculous. Mr. Abbott has never been able to vote himself a salary increase in his position as a public servant, and is in fact sacrificing his pay today to be present at this meeting and voice his concerns. He stated of the three commissioners, one always represents the community, another represents the community half of the time, and the third only said what he needed to say in order to get elected and then completely reverted. Mr. Abbott noted he will do everything he can to make sure that seat gets filled by someone else.

Eagle Mountain resident Wendi Baggaley asked to read an email from Saratoga Springs resident Heather Williamson:

*'I am concerned about Commissioner Ellertson's taxpayer funded trip to Switzerland on a private jet and the potential misuse of taxpayer funds. I am also personally disappointed in Commissioner Graves who campaigned on restoring fiscal responsibility and stopping the spending. I quote from Graves at the Commission debate for Seat A on April 4, 2014 "We have a spending problem and I can no longer sit there, I have three small girls and I need to fight for them so the future is bright for them." You talked about how our debt already won't be paid off until 2039, so please Commissioner Graves, do the right thing for your three girls and vote against more taxpayer spending and vote no on this proposed salary and benefit increase for you and all elected officials.
Thank you for your time today.'*

Wendi Baggaley then read her own prepared statement:

*'Dear Santa,
Please send me a \$5400 pay increase this year.
Signed, Greg Graves.*

*Dear Greg,
Your friend Larry Ellertson asked for the same thing, but he asked for a 15% increase last year as well. You already make more than double of what your average citizen makes, and I'm sorry, but I'm short on money growing trees. Your taxpayers are also suggesting I give you coal instead. Please learn how to cut your expenses.
Sincerely, Santa.'*

When Ms. Baggaley returned to her seat, Commissioner Graves took a moment to respond to some of the comments made thus far. Commissioner Graves noted that of every person in the audience today, not one of them actually took one second to call him and ask how he would vote. He never stated he was giving himself a raise, and they have only discussed a two-percent COLA (cost-of-living adjustment) increase for county employees. None of the commissioners have said they would give themselves a raise, and in fact all three commissioners unanimously spoke against step increases.

Regarding the Snowbird Switzerland trip, Commissioner Graves stated "this is garbage." The Board met with the attorneys to decide how to pay for a trip for discussion on funding transportation in the county, and that decision was made under legal counsel - the commissioners did the right, responsible thing and paid for their trip to the best that they could, meaning whatever receipts or other options were available, that is what was done.

Mark Allen declared from the audience he should be able to respond to this attack from Commissioner Graves, and Commissioner Graves countered "as opposed to what you've been doing to me?" Commissioner Ellertson allowed him to forward. Mr. Allen noted that the Board should be able to show the public a paper trail if they conducted themselves accordingly. He mentioned GRAMA (Government Records Access and Management Act) requests, and Commissioner Graves noted he has complied with those requests. Mr. Allen said that Commissioner Graves cannot know what he is talking about since he was not in office in 2013, and argued that Commissioner Graves has not responded to GRAMA requests. Mr. Allen repeated that no paper trail has been provided regarding the Switzerland trip, and Commissioner Ellertson noted that all records have been provided to the best of his knowledge.

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Commissioner Lee asked whether the trip to Switzerland actually occurred under the advisement of the County Attorney's Office, and Commissioner Graves pointed out that Utah County Civil Division Chief Deputy Attorney David Shawcroft was not the consulting attorney at that time; neither was Utah County Attorney Jeffrey R. Buhman. Commissioner Ellertson added that former Commissioner Doug Witney did have conversations with the attorneys on the matter.

Commissioner Lee reminded the Board that a citizen had asked about the proposed salary increases at the previous week's Commission meeting. The response had been "up to two percent," which Commissioner Lee questioned and was later asked again by that same individual for more information. Commissioner Lee let that citizen know that a 2.34 percent merit-based increase is on the table, as well as a two percent COLA (cost-of-living adjustment) increase, making a total of 4.34 percent. He ran the numbers specifically for the commissioners, including the six percent match given into a 401(K) retirement plan, and came to a total of \$5,400. The citizen disseminated that information amongst the public. Commissioner Lee noted it has not been discussed but is on the table.

When Commissioner Lee stated the only time all three Board members said 'no' to a merit-based pay increase was yesterday, Commissioners Ellertson and Graves both indicated that is incorrect. Commissioner Lee went on to say that Commissioner Ellertson came into his office upset about the inundation of emails on the matter, when all Commissioner Lee had done was put out the information for the public to understand what is being proposed. Commissioner Lee stated he has a hard time going through budget meetings without public input. When it was suggested that Commissioner Lee's figures were inaccurate or deceptive, he double-checked the numbers with the County Clerk/Auditor's Office and was told "you're about two dollars off." Commissioner Lee pointed out that his math did not even take into consideration any potential URS (Utah Retirement Systems) or Worker's Compensation figures, which could bring the number up to a \$7,200 increase. Commissioner Lee repeated his belief that all the information should be out there.

Commissioner Ellertson responded to Commissioner Lee's comments, acknowledging that he had been the one to reply "up to two percent" when a citizen asked about a proposed salary increase at the previous meeting. Commissioner Ellertson explained that when the \$5,000 amount had been brought up, his own reaction was "that is well beyond anything that we had anticipated." Commissioner Ellertson pointed out that while Commissioner Lee is saying it is under consideration to give an additional step increase, that is something Commissioner Lee may have been considering but not something that Commissioner Ellertson has ever considered. Commissioner Ellertson confirmed that he approached Commissioner Lee to tell him that his numbers were wrong after receiving an email. That was under the assumption that Commissioner Lee was distributing incorrect information, and inciting people to think the proposed dollar amount is much higher than the actuality. Commissioner Ellertson stated no official decision has been made, and one may not be made, regarding the potential increase for elected officials.

Saratoga Springs resident and attorney Dani Hartvigsen thanked the Board for allowing public interaction during this meeting. Ms. Hartvigsen considers herself active in politics, and appreciates the courage shown by the commissioners in stepping up to answer questions. She noted running for office in a fiscally conservative county is a matter of public trust, and stated we should not be considering any raises or increase in salary.

Commissioner Graves made the motion to continue the Public Hearing to discuss the 2015 Budget for the General Fund and other Budgetary Funds of Utah County for one week to the December 22, 2015 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves**

NAY: None

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Benjamin resident Nathan Ivie briefly returned to the stand to ask where the public may find information regarding the proposed budgets, and Utah County Clerk/Auditor Bryan E. Thompson directed him to the county website.

CONSENT AGENDA

- 1. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE (ESRI) FOR 2016 MAINTENANCE AND SUPPORT FOR GIS SOFTWARE PRODUCTS**

Commissioner Lee mentioned that of the two figures for the agreement, \$65,376.34 is the correct dollar amount.

- 2. APPROVE REQUESTED EXEMPTIONS ON LIST DATED DECEMBER 8, 2015, APPLIED FOR BY TAXPAYERS, FOR PAYMENT OF TAXES WHERE THE MARKET VALUE OF EQUIPMENT WAS LESS THAN \$10,200 AS PROVIDED BY THE UTAH STATE LEGISLATURE FOR 2015**
- 3. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 285, DATED DECEMBER 8, 2015**
- 4. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 20348, DATED DECEMBER 9, 2015**
- 5. APPROVE REDUCING THE PENALTY IN THE AMOUNTS LISTED FOR THE ATTACHED PERSONAL PROPERTY ACCOUNTS, HAVING BEEN IDENTIFIED AS MEETING THE QUALIFICATIONS UNDER ORDINANCE NO. 2010-4 AND RESOLUTION NO. 2011-64 OF THE UTAH COUNTY CODE**
- 6. ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE; THERE ARE NO ASSETS AVAILABLE**
- 7. RATIFICATION OF PAYROLL**
- 8. RATIFICATION OF WARRANT REGISTER SUMMARY**

Consent Agenda Item Nos. 1 through 8 were approved as written. Commissioner Ellertson recommended the following Regular Agenda items be moved to Consent:

- 2. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 1 TO AGREEMENT NO. 2015-51 WITH THE UTAH DEPARTMENT OF HEALTH TO EXTEND FUNDING FOR THE SECOND YEAR OF THE TUBERCULOSIS PREVENTION AND CONTROL GRANT**
- 9. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A SALES QUOTE AND MAINTENANCE SERVICES ORDER WITH NORTH AMERICAN COMMUNICATIONS RESOURCE, INC. TO RENEW ANNUAL HARDWARE AND SOFTWARE SUPPORT FOR THE TELEPHONE SWITCH SYSTEM AND VOICE MAIL SYSTEM**

The commissioners requested Regular Agenda Item No. 9 be continued to the next meeting of the Board.
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10. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS FOR USE OF THE HEALTH AND JUSTICE BUILDING PARKING STRUCTURE FROM JANUARY 8 THROUGH MARCH 6, 2016**
11. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A SUBDIVISION IMPROVEMENT AND WARRANTY AGREEMENT FOR THE MECHAM RANCH SUBDIVISION PLAT A IN THE AMOUNT OF \$6,645.29**
12. **ADOPT A RESOLUTION APPROVING THE 2016 BUDGETS FOR THE GENERAL FUND AND OTHER BUDGETARY FUNDS OF UTAH COUNTY, UTAH, AND AMENDING AND FIXING THE ANNUAL SALARIES FOR ELECTED UTAH COUNTY OFFICIALS FOR 2016** *(Continued from the December 8, 2015 Commission meeting)*

The commissioners requested Regular Agenda Item No. 12 be continued to the next meeting of the Board.
CONTINUED TO DECEMBER 22, 2015

13. **APPROVE AND AUTHORIZE COMMISSION CHAIR TO EXECUTE FIRST AMENDMENT TO THE MASTER LEASE AGREEMENT BETWEEN MUNICIPAL BUILDING AUTHORITY OF UTAH COUNTY, UTAH AND UTAH COUNTY, UTAH**

Commissioner Ellertson asked Utah County Civil Division Chief Deputy Attorney David Shawcroft to double-check the legal description of the agreement.

14. **APPROVE AND AUTHORIZE COMMISSION CHAIR TO EXECUTE FIRST AMENDMENT TO SUBLEASE AGREEMENT BETWEEN UTAH COUNTY, UTAH AND STATE BOARD OF REGENTS OF THE STATE OF UTAH, ACTING FOR AND ON BEHALF OF UTAH VALLEY UNIVERSITY**
15. **ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE RENEWAL OF UTAH COUNTY'S COMMITMENT TO THE MASTER LEASE AGREEMENT BETWEEN THE MUNICIPAL BUILDING AUTHORITY OF UTAH COUNTY UTAH, AS LESSOR, AND UTAH COUNTY, AS LESSEE, OF THE MOUNTAINLAND APPLIED TECHNOLOGY COLLEGE SPANISH FORK FACILITY FOR THE PERIOD FROM JANUARY 1, 2016 TO DECEMBER 31, 2016**
16. **ADOPT A RESOLUTION APPOINTING ROBERT MCMULLIN TO THE UTAH COUNTY PLANNING COMMISSION**

ACTIONS TAKEN

Consent Agenda Item No. 1 was approved and authorized; Nos. 2 through 5 were approved; No. 6 was abated; and Nos. 7 and 8 were ratified. Regular Agenda Item Nos. 2, 10, 11, 13 and 14 were approved and authorized; Nos. 9 and 12 were continued to the December 22, 2015 meeting of the Board; and Nos. 15 and 16 were adopted.

AGREEMENT NOS.: 2015-800, 2015-801, 2015-802, 2015-803, 2015-804, 2015-805, 2015-806, 2015-807, 2015-808 and 2015-809

RESOLUTION NOS.: 2015-159

REGULAR AGENDA

1. DISCUSS AND REVIEW THE LETTER TO COUNTY MAYORS ENCOURAGING MAYORS TO TAKE THE CLEAN AIR PLEDGE, AND AUTHORIZE COMMISSION CHAIR TO SIGN THE LETTER ON BEHALF OF THE UTAH COUNTY COMMISSION

Commissioner Ellertson pointed out that the draft version of the letter only has space for his signature, and suggested an update so that all three commissioners could sign. Utah County Health Department Executive Director Ralph Clegg was enthusiastic about the change, adding that perhaps it could even be typed onto official Commission Office letterhead. Commissioner Lee noted for the record that he is in support of clean air, but has concerns with this letter. He mentioned that Andrew Jackson has signed the letter with his official title though there has not been official instruction from the mayors and commissioners to do so.

Commissioner Lee stated he has problems with pledges in general because they sound great at first, but can later be used as beating sticks on elected officials. For example, a picture might be taken of someone using the drive-through window at a fast food restaurant and then used to scold the person for not living up to their Clean Air pledge. Commissioner Lee admitted that he will leave his car running in the mornings as he scrapes ice off the windshield in order to maintain vehicle efficiency. When Commissioner Lee asked if there is a group that will follow him looking for opportunities for slander, Ralph Clegg responded "I would hope not." Mr. Clegg mentioned others in the Clean Air Task Force, including government participation, and pointed out that the goal is only to be more aware and considerate of how your actions affect air quality and to minimize impact when possible; not necessarily to swear off drive-through windows forever. Mr. Clegg added that much has changed in air quality concerns since the vehicle emissions program began in 1986, and the issue has reached a point where some businesses are not willing to come to Utah County because of the air quality.

Commissioner Ellertson read the draft version of the letter, and the commissioners continued to discuss the intent of the Clean Air Pledge. Commissioner Ellertson mentioned he operates in a world of trust despite that having coming back to be used against him in the past. Commissioner Graves noted he is fine with adding his name to the letter as currently written, and Commissioner Lee repeated that he is in favor of clean air but will probably abstain from signing the letter. The commissioners discussed the wording with Utah County Civil Division Chief Deputy Attorney David Shawcroft, and ultimately decided to strike this official item from the agenda and instead have Ralph Clegg present it to the commissioners individually for signatures.

Commissioner Graves made the motion to strike Regular Agenda Item No. 1 from the agenda. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

STRICKEN

3. ADOPT AN ORDINANCE AMENDING SUBSECTION 2-8-6 OF THE UTAH COUNTY CODE RELATING TO ADMINISTRATION

Commissioner Ellertson mentioned he has read through the proposed ordinance, and would like more time to suggest some edits.

Commissioner Graves made the motion to continue Regular Agenda Item No. 3 regarding an ordinance amending the Utah County Code relating to administration for one week to the December 22, 2015 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves**
NAY: None

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4. ADD ONE FULL-TIME CAREER SERVICE PURCHASING MANAGER POSITION (CLASS CODE TBD, ACCOUNT 100-41110) TO THE PURCHASING DEPARTMENT OF THE COMMISSION OFFICE STAFFING PLAN

Commissioner Ellertson commented on the job description for the Purchasing Manager position, and Utah County Personnel Director Lana Jensen noted that it is only included for information and can still be altered. Commissioner Graves mentioned a time crunch and wanting to move forward with the Staffing Plan.

Commissioner Lee made the motion to add one full-time Career Service Purchasing Manager position to the Purchasing Department of the Commission Office Staffing Plan as detailed in Regular Agenda Item No. 4. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves**
NAY: None

APPROVED

5. APPROVE THE MINUTES OF THE NOVEMBER 3, 2015 COMMISSION MEETING

Commissioner Ellertson mentioned he had some minor changes for the November 3, 2015 Commission meeting minutes.

Commissioner Graves made the motion to continue Regular Agenda Item No. 5 regarding the minutes of the November 3, 2015 Commission meeting for one week to the December 22, 2015 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves**
NAY: None

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6. APPROVE THE MINUTES OF THE SPECIAL NOVEMBER 6, 2015 COMMISSION MEETING

Commissioner Ellertson noted that Karen McCoy had read a letter during the meeting, and asked for that letter to be included within the minutes. Vicky Westergard of the Utah County Clerk/Auditor's Office, who had recorded the minutes for that session, stated she would be able to update the document.

Commissioner Graves made the motion to continue Regular Agenda Item No. 6 regarding the minutes of the special November 6, 2015 Commission meeting for one week to the December 22, 2015 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves**
NAY: None

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7. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2007-40, AS AMENDED BY AGREEMENT NO. 2012-364, WITH REPUBLIC SERVICES FOR SOLID WASTE COLLECTION SERVICES

Utah County Public Works Director Richard Nielson provided a copy of the updated rates, which have increased slightly.

Commissioner Graves made the motion to approve the amendment to Agreement No. 2007-40 with Republic Services as outlined in Regular Agenda Item No. 7. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

AGREEMENT NO. 2015-810

8. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2010-862 WITH JENNY DEVLIN FOR OUTREACH TRAINING ON BEHALF OF THE UTAH COUNTY STORM WATER COALITION

Utah County Public Works Director Richard Nielson confirmed for Commissioner Ellertson that the dollar amount has increased from \$200 to \$250 per school as discussed with the Storm Water Coalition; the county portion of the Storm Water Coalition budget is minimal. Mr. Nielson explained how Phase One of the storm water regulations required a public education component. Jenny Devlin was hired, and there has been positive feedback from the schools. Mr. Nielson was not sure how many elementary schools there are in the county, but confirmed that Ms. Devlin does reach each one annually. Commissioner Graves guessed that is probably about 125 schools, and Mr. Nielson noted that is before adding in the charter schools as well.

Commissioner Lee made the motion to approve the amendment to Agreement No. 2010-862 with Jenny Devlin for Outreach Training on behalf of the Utah County Storm Water Coalition as specified in Regular Agenda Item No. 8. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

AGREEMENT NO. 2015-811

At this point, the commissioners determined which closed meetings would be necessary to set and which could be stricken from the Regular Agenda.

20. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY, WATER RIGHTS, OR WATER SHARES, PREVIOUSLY PUBLICLY NOTICED FOR SALE (Suggested for today's date, at this location, following the completion of the Regular Agenda and Work Session Agenda items) (Announce the vote of each commissioner)

Commissioner Lee made the motion to strike Regular Agenda Item No. 20 to set a date, time, and location for a closed meeting for a strategy session to discuss the sale of real property, water rights, or water shares previously noticed for sale. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

STRICKEN

- 17. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS (Suggested for today's date, at this location, following the completion of the Regular Agenda and Work Session Agenda items) (Announce the vote of each commissioner)**

Commissioner Lee made the motion to set a date, time and location for a closed meeting to discuss the character, professional competence, or physical or mental health of an individual or individuals to follow the Regular Agenda items today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

SET

- 18. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION (Suggested for today's date, at this location, following the completion of the Regular Agenda and Work Session Agenda items) (Announce the vote of each commissioner)**

Commissioner Lee made the motion to set a date, time and location for a closed meeting for a strategy session to discuss pending or reasonably imminent litigation to follow the Regular Agenda items today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

SET

- 19. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, WATER RIGHTS, OR WATER SHARES (Suggested for today's date, at this location, following the completion of the Regular Agenda and Work Session Agenda items) (Announce the vote of each commissioner)**

Commissioner Lee made the motion to set a date, time and location for a closed meeting for a strategy session to discuss the purchase, exchange, or lease of real property, water rights, or water shares to follow the Regular Agenda items today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves**
NAY: None

SET

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

There were no public comments and the meeting recessed at 10:22 A.M. to go into closed meetings. The public meeting reconvened at 11:52 A.M.

Commissioner Graves made the motion to adjourn the December 15, 2015 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves**
NAY: None

There being no further business nor public comment, the meeting adjourned at 11:52 A.M. The minutes of the December 15, 2015 Commission meeting were approved as transcribed on January 12, 2016.

LARRY A. ELLERTSON, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor